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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 RICHARD TETSUO OSAKI,  
12 Plaintiff,  
13  
14 v.  
15 THE CITY OF SAN BERNARDINO,  
16 et al.,  
17 Defendants.

Case No. 2:18-cv-03720-FMO (SHK)

**ORDER ACCEPTING FINDINGS  
AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE  
JUDGE**

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended  
19 Complaint (“SAC”), the Second Motion to Dismiss (“Second MTD”), the  
20 relevant records on file, and the Report and Recommendation of the United States  
21 Magistrate Judge. No objections have been filed.

22 The Court accepts the findings and recommendation of the Magistrate  
23 Judge. IT IS THEREFORE ORDERED that the Second MTD be **DENIED**.  
24 Specifically: (1) Defendants’ request that the City of San Bernardino be dismissed  
25 as a Defendant is **DENIED** as **MOOT**, and (2) Defendants’ request to dismiss  
26 Plaintiff’s claims of supervisory liability, excessive force, and failure to intervene  
27 against City Defendants is **DENIED**.

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The remaining Defendants are now ordered to respond to the SAC, as required, under the Federal Rules of Civil Procedure.

Dated: September 25, 2020

/s/  
HONORABLE FERNANDO M. OLGUIN  
United States District Judge